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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the **Petition to Revoke**
13 **Probation** Against:

14 **JOE MORENO ALONZO**
15 **aka JOSE MORENO ALONZO**
191 Verano Ave., Apt. 209
Sonoma, California 95476

16 Registered Nurse License No. 403591

17 Respondent.

Case No. 2006-101

OAH No. N2006020031

PETITION TO REVOKE
PROBATION

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19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Petition to Revoke Probation solely in her official
22 capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of
23 Consumer Affairs.

24 2. On or about August 31, 1986, the Board issued Registered Nurse License
25 No. 403591 to Joe Moreno Alonzo, also known as Jose Moreno Alonzo ("Respondent"). The
26 license will expire on June 30, 2008, unless renewed.

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1 **DISCIPLINARY HISTORY**

2 3. In a disciplinary action entitled "In the Matter of Accusation Against Joe
3 Moreno Alonzo, also known as Jose Moreno Alonzo," Case No. 2006-101, the Board issued a
4 Decision and Order, effective June 10, 2006, in which Respondent's registered nurse license was
5 revoked. The revocation was stayed and Respondent's license was placed on probation for a
6 period of two (2) years with terms and conditions. A copy of that Decision and Order
7 (hereinafter, "Decision") is attached hereto as Exhibit "A" and incorporated herein by reference.

8 **PETITION TO REVOKE PROBATION**

9 4. Grounds exist for revoking the probation and reimposing the order of
10 revocation of Respondent's Registered Nursing License No. 403591. Condition 12 of the terms
11 and conditions of probation in the Decision in Case No. 2006-101, states, in pertinent part:

12 If Respondent violates the conditions of his probation, the Board after
13 giving the Respondent notice and an opportunity to be heard, may set aside the
14 stay order and impose the stayed discipline (revocation) of Respondent's license.
15 If during the period of probation, an accusation or petition to revoke probation has
16 been filed against Respondent's license or the Attorney General's Office has been
requested to prepare an accusation or petition to revoke probation against
Respondent's license, the probationary period shall automatically be extended and
shall not expire until the accusation or petition has been acted upon by the Board.

17 5. Respondent has violated the Probation Program, as set forth in the
18 following paragraphs:

19 **FIRST CAUSE TO REVOKE PROBATION**

20 **(Failure to Obey All Laws)**

21 6. Condition 1 of the terms and conditions of probation contained in the
22 Decision in Case No. 2006-101, provides:

23 Respondent shall obey all federal, state and local laws, and all
24 rules. A full and detailed account of any and all violations of law
25 shall be reported by respondent to the Board in writing within
26 seventy-two (72) hours of occurrence. To permit monitoring of
27 compliance with this term, respondent shall submit completed
fingerprint cards and fingerprinting fees within 45 days of the
effective date of the decision, unless previously submitted as part
of the licensure application process.

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1 If respondent is under criminal court orders, including probation or
2 parole, and the order is violated, this shall be deemed a violation of
3 these probation conditions, and may result in the filing of an
4 accusation and/or petition to revoke probation.

5 7. Respondent's probation is subject to revocation for failing to comply with
6 Condition 1, as follows:

7 a. Respondent failed to report to the Board within 72 hours of its
8 occurrence that he received a citation in November 2006 for failing to have a fishing license in
9 his possession.

10 b. Respondent failed to report to the Board within 72 hours of its
11 occurrence that he had received a citation on May 15, 2007, for a moving (traffic) violation.

12 c. Respondent failed to report to the Board within 72 hours of its
13 occurrence that he was arrested on April 16, 2008, in San Diego County.

14 d. Respondent failed to obey all laws, as set forth above in paragraph 7(a)
15 through (c).

16 **SECOND CAUSE TO REVOKE PROBATION**

17 **(Failure to Comply With Probation Program)**

18 8. Condition 2 of the terms and conditions of probation contained in the
19 Decision in Case No. 2006-101, provides:

20 Respondent shall fully comply with the conditions of the Probation
21 Program established by the Board and cooperate with
22 representatives of the Board in its monitoring and investigation of
23 respondent's compliance with the Probation Program. Respondent
24 shall inform the Board in writing within no more than 15 days of
25 any address change and shall at all times maintain an active,
26 current license status with the Board, including during any period
27 of suspension.

28 Upon successful completion of probation, respondent's license
shall be fully restored.

9. Respondent's probation is subject to revocation for failing to comply with
Condition 2, as follows:

a. Respondent failed to inform the Board in writing within no more than
15 days of his change of address to 16042 Blackhawk Street, Granada Hills, California.

1 b. Respondent failed to inform the Board in writing within no more than
2 15 days of his change of address to 4620 Marconi Avenue, Apt. 18, Sacramento, California.

3 c. Respondent failed to comply with the probation program, as set forth in
4 paragraphs, 7, 11, 13, 15, and 17.

5 **THIRD CAUSE TO REVOKE PROBATION**

6 **(Written Reports)**

7 10. Condition 5 of the terms and conditions of probation contained in the
8 Decision in Case No. 2006-101, provides:

9 Respondent, during the period of probation, shall submit or cause
10 to be submitted such written reports/declarations and verification
11 of actions under penalty of perjury, as required by the Board.
12 These reports/declarations shall contain statements relative to
13 respondent's compliance with all the terms and conditions of the
14 Board's Probation Program. Respondent shall immediately
15 execute all release of information forms as may be required by the
16 Board or its representatives.

17 Respondent shall provide a copy of this decision to the nursing
18 regulatory agency in every state and territory in which he has a
19 registered nurse license.

20 11. Respondent's probation is subject to revocation for failing to comply with
21 Condition 5, as follows:

22 a. Respondent failed to submit to the Board by May 24, 2006, all
23 requested information/documents as outlined in a Board letter to Respondent dated
24 May 10, 2006.

25 b. Respondent failed to submit to the Board a current resume or work
26 history by the due date of May 24, 2006.

27 c. Respondent failed to submit to the Board educational courses
28 completed by the due date of May 24, 2006.

 d. Respondent failed to submit to the Board a detailed account of the
 fishing citation he received in November 2006, in writing, within 72 hours of its occurrence.

 e. Respondent failed to submit to the Board a detailed account of the
 moving violation he received on May 15, 2007, in writing, within 72 hours of its occurrence.

1 f. Respondent failed to inform the Board in writing within 15 days of his
2 changes of address to 16042 Blackhawk Street, Granada Hills, California, and to 4620 Marconi
3 Avenue, Apt. 18, Sacramento, California.

4 **FOURTH CAUSE TO REVOKE PROBATION**

5 **(Function as a Registered Nurse)**

6 12. Condition 6 of the terms and conditions of probation contained in the
7 Decision in Case No. 2006-101, provides:

8 Respondent, during the period of probation, shall engage in the
9 practice of registered nursing in California for a minimum of 24
10 hours per week for six consecutive months or as determined by the
11 Board.

12 For purposes of compliance with this section, "engage in the
13 practice of registered nursing" may include, when approved by the
14 Board, volunteer work as a registered nurse, or work in any non-
15 direct patient care position that requires licensure as a registered
16 nurse.

17 The Board may require that advance practice nurses engage in
18 advanced practicing nursing for a minimum of 24 hours per week
19 for six consecutive months or as determined by the Board.
20 If respondent has not complied with this condition during the
21 probationary term, and respondent has presented sufficient
22 documentation of his good faith efforts to comply with this
23 condition, and if no other conditions have been violated, the Board,
24 in its discretion, may grant an extension of respondent's probation
25 period up to one year without further hearing in order to comply
26 with this condition. During the one year extension, all original
27 conditions of probation shall apply.

28 13. Respondent's probation is subject to revocation for failing to comply with
Condition 6, in that Respondent failed to engage in the practice of registered nursing for a
minimum of 24 hours per week for six consecutive months.

23 **FIFTH CAUSE TO REVOKE PROBATION**

24 **(Failure to Complete Required Courses)**

25 14. Condition 10 of the terms and conditions of probation contained in the
26 Decision in Case No. 2006-101, provides:

27 Respondent, at his own expense, shall enroll and successfully
28 complete a course(s) relevant to the practice of nursing no later
than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

15. Respondent's probation is subject to revocation for failing to comply with Condition 10, in that Respondent failed to complete all assigned courses no later than 6 months prior to the end of his probationary term.

SIXTH CAUSE TO REVOKE PROBATION

(Failure to Pay Cost Recovery)

16. Condition 11 of the terms and conditions of probation contained in the Decision in Case No. 2006-101, provides:

Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$3,530. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

17. Respondent's probation is subject to revocation for failing to comply with Condition 11, in that Respondent has failed to pay the cost recovery balance of \$3,530 three months prior to the end of his probationary term, which ended on March 9, 2008.

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered
5 Nursing in Case No. 2006-101, and imposing the disciplinary order that was stayed thereby
6 revoking Registered Nurse License No. 403591, issued to Joe Moreno Alonzo, also known as
7 Jose Moreno Alonzo;

8 2. Taking such other and further action as deemed necessary and proper.

9 DATED: 5/16/08

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11 
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant
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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JOE MORENO ALONZO
15553 Maplewood Drive
Sonoma, CA 95476

Registered Nurse License No. 403591

Respondent.

Case No. 2006-101

OAH No. N2006020031

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on June 10, 2006.

IT IS SO ORDERED May 10, 2006.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JOE MORENO ALONZO
a.k.a. JOSE MORENO ALONZO
15553 Maplewood Drive
Sonoma, California 95476

Registered Nurse License No. 403591

Respondent.

Case No. 2006-101

OAH No. N2006020031

PROPOSED DECISION

Administrative Law Judge Cheryl R. Tompkin, State of California, Office of Administrative Hearings, heard this matter on March 6, 2006, in Oakland, California.

Kim Settles, Deputy Attorney General, represented complainant, Ruth Ann Terry, M.P.H., R.N.

Respondent Joe Moreno Alonzo appeared on his own behalf

The matter was submitted on March 6, 2006.

FACTUAL FINDINGS

1. Complainant Ruth Ann Terry, R.N., M.P.H., made the Accusation in her official capacity as Executive Officer, Board of Registered Nursing (Board), Department of Consumer Affairs.

2. On August 31, 1986, the Board issued registered nurse license number 403591 to Joe Moreno Alonzo (respondent). The license was in full force and effect at all times pertinent to this matter. The license will expire June 30, 2006, unless renewed.

3. On June 1, 1992, respondent was hired to work as a registered nurse at Sonoma Development Center (SDC) in Eldridge, California. Respondent was assigned to the facility's registry, which is an internal float pool. Nurses assigned to the registry have flexibility because they work varied hours and a variety of assignments.

4. SDC has 30 residential units. Tallman is a residential unit of SDC. Tallman houses chair-ridden and bedridden patients who range in age from teenagers to patients in their forties. Prior to October 2003, respondent had worked at Tallman on various occasions and his duties typically included assisting with oral hygiene, meals, bathing, medications, tracheotomy care, tube feedings and respiratory treatments.

5. On October 8, 2003, respondent was assigned to work as a float nurse at the Tallman unit from 2:30 p.m. to 11:00 p.m. One of the patients for whom respondent was to provide care was K.Y, a sixteen-year-old blind, nonambulatory, nonverbal, developmentally disabled patient who suffers from seizures. Respondent's duties included administering medications to K.Y.

6. SDC patient medications come in a strip of individualized packets. Each packet bears the name of the client, the name of the medication, the dosage and the date and time it is to be administered. K.Y.'s medication and treatment log indicated that she was to receive clonazepam (Klonopin), a central nervous system suppressant that is helpful in treatment of seizures. Clonazepam reduces the risk of seizures by keeping the patient's blood level up. If a clonazepam dose is missed, the patient's blood level could drop and the patient could have a seizure. Clonazepam is a Schedule IV controlled substance.

7. Respondent charted that he had given K.Y. clonazepam at 2000 hours (8:00 p.m.) on October 8, 2003.¹ On October 15, 2003, at about 1100 hours (11:00 a.m.), a SDC staff person turned in a single .5 mg dose of clonazepam, in its original, individually labeled packet, to the SDC pharmacy. The staff person had found the clonazepam in the SDC parking lot the evening before. The pharmacy identified the labeled package as medication assigned to and intended for patient K.Y., which was to have been administered at 8:00 p.m. on October 8, 2003. Since the medication was still in its original packaging, it clearly had not been administered in accordance with package instructions. Patient K.Y. was examined on October 16, 2003, for potential adverse effects from failure to receive her medication on October 8 at 8:00 p.m. No adverse effects were observed.

8. The standard of practice requires that medications be administered in accordance with doctors' orders. Administering medications is part of the training curriculum for registered nurses and is considered a basic skill. An error in administering medications puts a patient at risk for potential harm because the patient could have an adverse reaction to an unauthorized medication and/or fail to receive the treatment ordered by the patient's doctor. In order to minimize the risk of such error, nurses are taught to observe the five rights of a patient in administering medications. Prior to administering the medication they must check that they have (1) the right drug, (2) the right dose, (3) the right route, (4) the right time and (5) the right patient. Medications must be administered by licensed medical or nursing personnel within one hour of the time indicated in the physician order, and the individual administering the medications must initial the medical chart,

¹ Respondent initialed the box on the medication and treatment log for dispensing said dose.

thereby indicating that s/he personally administered the medication. If the individual responsible for administering medication to a patient cannot recall if s/he has administered the medication, the standard of practice is for the individual to call the physician and get guidance. Respondent's medication error could have been avoided if he had complied with these standards of practice.

Respondent engaged in unprofessional conduct when he charted that he had administered clonazepam to patient K.Y. when, in fact, he had not done so. Respondent also engaged in unprofessional conduct when he failed to administer patient K.Y.'s medication in accordance with the physician order (as set forth on the medication and treatment log).

9. Respondent admits charting administration of clonazepam to K.Y. at 8:00 p.m. on October 8, 2003, even though he had not administered it. He explained that at the end of his shift he noticed that he had not charted administering the drug. However, he believed that he had given it to K.Y., so he signed off on her chart. He stated that in 20/20 hindsight he realized that he should not have signed off as administering the medication, and that by signing off he was responsible for a medication error.

Despite the fact he made a medication error, respondent does not feel that any discipline, or only minimal discipline, is warranted. Respondent testified that during his first ten years as a float nurse with SDC he never passed out medications. Nor had he received any SDC training in medication administration prior to October 8, 2003. However, one day he was told that he was responsible for passing out medications. Passing out medications was within the scope of respondent's license, and respondent thought he could handle it because he was only responsible for six clients. Respondent believes SDC's failure to provide training to float nurses on administering medications, especially since the procedures for passing medications varied from one SDC residential unit to another, was a significant contributing factor to his medication error.

Respondent also believes that the failure of SDC to require that both the nurse going off duty and the nurse coming on duty participate in the medication count at the end of each shift, in accordance with SDC policy, was a significant contributing factor to his medication error. Respondent was not involved in the medication count at the end of his shift on October 8, 2003. He believes that if he had been, K.Y.'s missed dose of clonazepam would have been discovered. Respondent also believes that if the lead nurse had been properly supervising him (including assessing his competency to pass medications) his medication error would have been caught.

Respondent notes that approximately a year after his medication error SDC began providing training on passing medications. He has taken 120 hours of such training at SDC and he has not made a medication error since October 8, 2003, nearly 30 months ago. Respondent states that he now feels competent to safely administer medications. Respondent also noted that K.Y. was not harmed by his error. He feels his medication error was an isolated incident in an otherwise satisfactory nursing career.

10. Evidence presented at hearing confirmed that SDC has experienced ongoing critical shortages of licensed staff available to pass medications on residential units. Consequently, float nurses are now required to pass medications when assigned to do so. However, the procedure for passing medications can vary from unit to unit. As recently as January 2005, SDC float nurses expressed concern to supervisors, in writing, regarding the variations in procedures for passing medications on the different residential units, and the impact of those variations on their ability to comply with the five rights of medication delivery. Float nurses expressed a need for orientation or training on passing medications for each unit.

11. At hearing respondent submitted five letters of reference from unit supervisors at SDC: Sally Lamore, Tim Tonsager, Kendall Loiseaux, Catrina Phillips and Janice O'Neill. All of the letter writers confirm that respondent has completed three, eight-hour shifts of in-service orientation to medication administration procedures on their respective units, and that respondent has not made any medication errors on their unit since the orientations. Lamore also notes that respondent is "easily supervised, respected and a real joy to work with." Tonsager opines that respondent's "clinical skills and professionalism are impeccable." Loiseaux notes that respondent is well received by staff and an asset to their residence team. O'Neill notes that respondent is an excellent employee who is well-liked by staff and clients on her unit. She also opines that respondent has excellent clinical skills and works well under pressure.

12. Respondent is a 50-year-old, single male. He helps provide support for his 79-year-old mother through his employment as a nurse. Respondent earned his nursing degree in June 1986 from Napa Valley College. He has been a licensed registered nurse for nearly 20 years. Prior to the subject proceeding, no formal disciplinary action had ever been taken by the Board against respondent.

Respondent is a permanent intermittent state employee who works 1500 hours per year for SDC. Respondent also works a second nursing job in state prisons through a nurse registry based in Fresno. He asks that if discipline is imposed, it be for a time period less than the standard three year probationary term. Respondent's second job through the Fresno based nurse registry provides a significant part of his income and it will be a substantial hardship to lose the registry income during any period of probation.

13. Pursuant to Business and Professions Code section 125.3, the Board may request that "a licentiate found to have committed a violation or violations of the licensing act [be required] to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

The Board certifies that the following costs were incurred in connection with the investigation and prosecution of this Accusation as of March 3, 2006:

Deputy Attorney General:
2005-2006 21.50 hours @ \$146/hour \$3,139.00

Legal Assistant:
2005-2006 04.25 hours @ \$92/hour 391.00

TOTAL COSTS INCURRED: \$3,530.00

LEGAL CONCLUSIONS

1. Cause for disciplinary action against respondent exists under Business and Professions Code section 2761, subdivision (a) on the ground of unprofessional conduct in that respondent was guilty of making a grossly incorrect entry in hospital or patient records, within the meaning of Business and Professions Code section 2762, subdivision (e), by reason of the matters set forth in Findings 7 and 8.

2. Cause for disciplinary action against respondent exists under Business and Professions Code section 2761, subdivision (a) on the ground of unprofessional conduct by reason of the matters set forth in Findings 7 and 8.

3. Although respondent engaged in unprofessional conduct while employed as a registered nurse at SDC, it is nevertheless determined that revocation of his nursing license is not warranted. Respondent has been a registered nurse for almost 20 years and has no prior history of license discipline. He readily admits his medication error, although he seems to feel his error should be excused for a variety of reasons, none of which are found to be persuasive. However, the fact that respondent may not have been properly oriented to the procedures for delivery of medications on the Tallman unit is determined to be a factor in mitigation of respondent's conduct. Respondent also acknowledges that he lacked competency to deliver medications on the date of his medication error, but since that time he has taken 120 hours of training relating to administering medications. And he seems to have gained a favorable reputation related to administering medications since obtaining the training. After considering all of the evidence, it is determined that it would not be against the public interest to permit respondent to retain his registered nurse license upon appropriate terms and conditions, including requiring respondent work under supervision and take coursework as directed by the Board. It is also determined that a two year probationary period is sufficient to adequately protect the public interest since it has been nearly 30 months since respondent's medication error, there is no evidence of any subsequent errors and respondent has already completed significant training related to administering medications.

4. Business and Professions Code section 125.3 provides that respondent may be ordered to pay the Board "a sum not to exceed the reasonable costs of the investigation and enforcement of the case." That section also provides that the Board's certification of the actual costs constitutes prima facie evidence of the reasonable costs. The costs set forth in Finding 13

were established by such a certification. The reasonable costs of investigation and enforcement are therefore determined to be \$3,530.

ORDER

IT IS HEREBY ORDERED that Registered Nurse License Number 403591 issued to respondent Joe Moreno Alonzo is revoked. However, the revocation is stayed and respondent is placed on probation for two (2) years on the following conditions.

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. Respondent shall obey all federal, state and local laws, and all rules. A full and detailed account of any and all violations of law shall be reported by respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

3. Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
4. Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time

period. Respondent's probation is tolled if and when he resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing license during the term of probation.

5. Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

6. Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for six consecutive months or as determined by the Board.

For purposes of compliance with this section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advance practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for six consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this

condition. During the one year extension, all original conditions of probation shall apply.

7. Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all his performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his employer and immediate supervisor prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any nursing or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum – The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care – If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other communication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by respondent with or without respondent present.

9. Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse or an in-house nursing pool without prior written approval from the Board.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity without prior written approval from the Board.

If respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of nursing no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

11. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$3,530. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.
12. If respondent violates the conditions of his probation, the Board, after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of respondent's license.

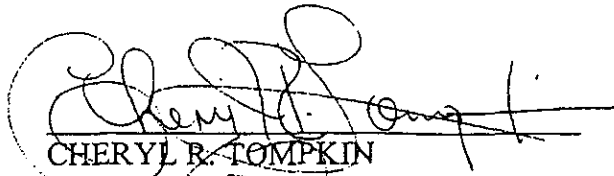
If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

13. During respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (a) Two years from reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (b) One year for a license surrendered for a mental or physical illness.

Dated: 3/30/06


CHERYL R. TOMPKIN
Administrative Law Judge
Office of Administrative Hearings

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6 Attorneys for Complainant

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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2006-101

13 **JOE MORENO ALONZO**
a.k.a. **JOSE MORENO ALONZO**
14 15553 Maplewood Drive
Sonoma, CA 95476

ACCUSATION

15 Registered Nurse License No. 403591

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about August 31, 1986, the Board of Registered Nursing issued
24 Registered Nurse License Number 403591 to JOE MORENO ALONZO, also known as JOSE
25 MORENO ALONZO (Respondent). The Registered Nurse License was in full force and effect at
26 all times relevant to the charges brought herein and will expire on June 30, 2006, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Pursuant to Code section 2750, the Board of Registered Nursing may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 of the Nursing Practice Act.

5. Section 2761(a) of the Code provides, in pertinent part, that the Board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for unprofessional conduct, which includes, but is not limited to certain enumerated conduct.

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

7. Pursuant to Code section 125.3, the Board of Registered Nursing may request the administrative law judge to direct a licensee found to have committed a violation or violations of the license act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

8. Clonazepam (Klonopin) is a schedule IV controlled substance pursuant to Health and Safety Code section 11057(d)(7), and a dangerous drug pursuant to Business and Professions Code section 4022. According to *rxlist.com*, it is a central nervous system depressant.

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1 FIRST CAUSE FOR DISCIPLINE

2 9. Respondent has subjected his license to discipline under Code section
3 2761(a) on the grounds of unprofessional conduct as defined by Code section 2762(e) in that, on
4 or about October 8, 2003, while employed as a registered nurse at the Sonoma Developmental
5 Center (SDC), Respondent charted the administration of clonazepam to Patient K.Y¹. at 2000
6 hours, yet failed to administer said medication to the patient. In fact, the clonazepam was later
7 found in a parking lot of the SDC. Said medication was labeled as medication assigned to and
8 intended for Patient K.Y., a developmentally disabled patient entrusted to respondent's care.

9 SECOND CAUSE FOR DISCIPLINE

10 10. Paragraph 9 is herein incorporated by reference as though fully set forth.

11 11. Respondent has subjected his license to discipline under Code section
12 2761(a) on the grounds of general unprofessional conduct in that respondent placed Patient
13 K.Y.'s health and well-being at risk when he failed to administer the patient's medication, which
14 had been prescribed for a seizure disorder.

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 403591, issued
18 to JOE MORENO ALONZO.

19 2. Ordering JOE MORENO ALONZO to pay the Board of Registered
20 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
21 Business and Professions Code section 125.3;

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28 1. Patient initials are used to protect the patient's privacy. Full names will be released to
respondent in discovery.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/29/05


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant